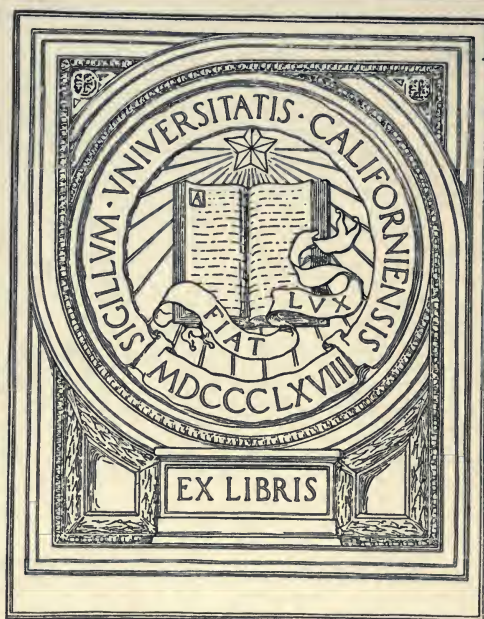


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## THE INDIAN POLICY OF SPAIN.

THE story of the relations between Spain and the natives of her Western colonies is full of interest and instruction. Like our own dealings with our Indians, it shows how the kindly intentions of governments, expressed in beneficent legislation, may be rendered nugatory when administration is intrusted to unworthy hands or when sufficient influence is brought to bear by those who profit from abuses. In view of the responsibilities which the United States are assuming in the remnant of Spain's colonial empire, a brief review of early Spanish experiences may perhaps be not without wholesome warning.

It is to Bartolomé de las Casas that we owe most of our knowledge of the seamy side of Spanish conquest and colonization. Born, in 1474, of a good family in Seville, he had a university training and acquired the grade of licentiate in laws. His interest in the New World was inherited, for his father was one of the companions of Columbus and returned to Spain in 1497. In 1502, when Ovando was sent to Hispaniola to replace Bobadilla, Bartolomé accompanied him, and his career thenceforth was irrevocably determined. At first, like his compatriots, he seems to have taken little thought as to the unhappy fate of the natives, but when, after entering the Church and taking orders, he accompanied, in 1511, Diego Velazquez in the conquest of Cuba, the ferocious cruelty of the invaders made such an impression on him that, after a short period of hesitation, he devoted the rest of his prolonged life to the relief of the oppressed. For this he was admirably fitted by nature and training. Though hot-tempered, he was gifted with perseverance which no rebuff or disappointment could outwear. Learned, eloquent and fearless, his sacred character gave him an influence all-important in the Spanish courts of the period, which was enhanced by his recognized disinterestedness. Single-handed, he time and again overthrew the combinations organized by the powerful influences which he antagonized, but the evils of corrupt administra-

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tion were ineradicable and his triumphs in Spain were persistently neutralized by defeats in the Caribbean. Nevertheless he struggled unweariedly to the last, and when advancing age rendered active work impossible, his tireless pen was still employed in the good cause. He died in 1566, at the ripe age of 92, leaving unfinished MSS. on which he was laboring to the end. His voluminous writings are the source of most of our knowledge of the subject; some of his shorter tracts he gathered together and printed in a small volume at Seville in 1552; the rest he left to the care of posterity, and it is only of recent years that those which have been preserved have seen the light, in the *Colección de Documentos inéditos para la Historia de España*, accompanied with illustrative documents, and a detailed biography by Señor Fabié. The life of Las Casas was so intimately bound up with the fate of the Indians that a clear understanding of the influences which controlled their treatment by the Spaniards can best be obtained by following his career.

In the little Seville volume the most noteworthy portion is the *Brevisima Relacion de la destruycion de las Yndias*, written in 1542, for the instruction of Charles V and his advisers, who were engaged in framing a new body of legislation for the Indies. A more terrible story never shocked humanity. Horrors are piled upon horrors until the sense becomes blunted and one scarce realizes the savagery which had continued uninterruptedly in one region after another for half a century. Doubtless there is eloquent exaggeration in the recital; Las Casas was not a coldly scientific historian, but an advocate and a preacher, who gathered hearsay evidence from all sources and heightened the pathos of his narrative with his own warm sympathies; but the general facts are corroborated by too many contemporary authorities to justify the attempts at exculpation which have been fashionable of late years. We may reasonably doubt his accuracy when he says that since the discovery the Spanish had destroyed, by cruelty and oppression, more than twelve millions of Indians, including men, women and children, and he verily thinks the number is more than fifteen millions; nor is our confidence heightened when, in 1550, he asserts that up to that time the destruction had increased to thirty millions

and in 1560 he puts the figure at forty millions,<sup>1</sup> but there can be no question that the mortality by the sword and by the inhuman slavery to which the Indians were reduced was frightful. In 1517 a cooler statement by the Dominicans of Hispañola informs us that when the first count of the inhabitants of the island was made they were found to number 1,100,000; some years later a census reduced the figures to 16,000, and at the time of writing there were but 10,000 left.<sup>2</sup> This is virtually confirmed by Alonso de Zuazo, who had been sent out by Cardinal Ximenes with full powers of investigation, and who, in an official report to Chièvres, January 22, 1519, states that at the discovery the population was 1,130,000, which had been reduced to 11,000, and that these would disappear in three or four years if no remedy was applied.<sup>3</sup> It was much the same in Mexico, although the more warlike character of the natives and the features of the country rendered the process slower. About 1595, Padre Mendieta compares the crowded towns and populous country which he had seen in the earlier days with the deserted cities and rural solitudes that now everywhere met the eye, and Bancroft informs us that at the close of the century it was estimated that the Indians numbered only one-fourth of what they had been at the time of the conquest.<sup>4</sup>

The rapidity of the Spanish conquest is partially explained by this ruthless extermination, for, as labor became scarce, slave-hunting expeditions, attended with fearful loss of life, were organized from Hispañola. Thus Puertorico fell a victim, then Jamaica and then Cuba. By 1510 the Bahamas were virtually depopulated, and the discovery of Florida was due to disappointed slave-hunters, who found no one to carry off from the Bahamas, and who pushed on to the mainland.<sup>5</sup> The Wind-

<sup>1</sup> *Brevísima Relacion* (Ed. Venet., 1643, p. 11); Las Casas, *Historia de las Indias*, Lib. III, Cap. 137, 155 (*Colección de Documentos*, Tom. XLVI, pp. 75, 164).

<sup>2</sup> *Hist. de las Indias*, Lib. III, Cap. 94 (T. LXV, p. 338). Las Casas assumes the original population of Hispañola to have been three or four millions (*Ibid.*, Cap. 19, T. LXIV, p. 452).

<sup>3</sup> Col. de Doc., T. II, p. 353.

<sup>4</sup> Mendieta, *Hist. Ecclesiastica Indiana*, p. 561 (Mexico, 1870).—Bancroft, *Hist. of Mexico*, II, 767.

<sup>5</sup> *Hist. de las Indias*, Lib. III, Cap. 20 (Col. de Doc., T. LXIV, p. 457).

ward Islands were raided in the same way, although the fierce Carib cannibals were harder to capture. The coasts of Tierra Firme were harried, and from Cuba to Yucatan the transit was easy. All around the Caribbean the slave-hunter opened the way to the Conquistador. Zuazo tells us that Ferdinand the Catholic authorized this hideous traffic to remedy the lack of labor, which was so scarce that an Indian duly branded as a slave was known to have fetched the enormous price of eighty ducats.<sup>1</sup> Indian slavery, in fact, was subsequently rendered unlawful, except for crime, and the slave was designated by branding in the face, though Las Casas told Philip II that the royal branding-iron was promiscuously applied and that all slaves thus marked ought to be adjudged free by the courts.<sup>2</sup> During the conquest of Central America and Mexico he says that they were captured in numbers far beyond the capacity of vessels to carry them away, and when brought down to the coast an Indian would be exchanged for a cheese or a hundred for a horse.<sup>3</sup>

There were two causes at work in this extermination—a temporary one in the callous cruelty of the conquerors, and a permanent one in the brutal oppression which worked the unhappy natives to death in the mines and fields and on the roads. The Spaniards who sought the New World were largely of the vilest class, either criminals escaping from justice or punished by transportation. By the returning fleet of 1498, Columbus begged the sovereigns to send out some good *frailes*, rather, as he says, to reform the faith of the Christians than to spread it among the Indians, and in their formal memorial of 1517 the Dominicans of Hispañola described the colonists as the most infamous race of men that ever was known.<sup>4</sup> The secular clergy who sought their fortunes in the New World were scarce better, and could exercise no restraining influence. Even in

<sup>1</sup> Col. de Doc., T. II, p. 355.

<sup>2</sup> *Recopilación de las Leyes de las Indias*, Ley I, Tit. ii, Lib. VI.—Fabié, *Vida* (Col. de Doc., T. LXX, p. 165).

<sup>3</sup> *Brevísima Relación*, p. 70.

<sup>4</sup> *Hist. de las Indias*, Lib. I, Cap. 155 (Col. de Doc. T. LXIII, p. 341); Lib. III, Cap. 94 (T. LXV, p. 341).



1551, the Mexican Viceroy, Antonio de Mendoza, in the instructions drawn up for his successor, Luis de Velasco, says that the clergy who come out are infamous, and if it were not for the orders of the king and for baptism the Indians would be better without them.<sup>1</sup> Colonists of this character, when brought into contact with weak and submissive fellow-creatures, were not likely to restrain their worst instincts, and they treated the Indians with less compassion than if they were beasts of the field. The merciless slaughter of war was followed by torture to discover hidden treasure and with purposeless cruelty to gratify pure bloodthirstiness. The edge of weapons was tested on defenceless wretches and we hear of killing fat Indians to make of their fat an ointment supposed to have peculiar virtues. We might hope that these were fables, but the reckless disregard of human life and suffering has left an imperishable linguistic trace in the terrible word *aperrear*—to throw to the dogs, not metaphorically, but literally, like the *ad bestias mittere* of the Romans. The *perros bravos* or ferocious dogs, which were brought by the colonists to aid them in hunting down Indians, were the objects of the utmost terror to the natives, who were frequently thrown to them to be torn to pieces, and children were sometimes cut up and fed to them.<sup>2</sup> This denial of the rights of humanity does not rest upon the assertions of those who strove to protect the sufferers. Towards the close of the sixteenth century, Bernardo de Vargas Machuca, Governor of Margarita, a valiant captain, who had served for thirty years in

<sup>1</sup> Col. de Doc. T. XXVI, p. 286. Oviedo (*Quinquagenas de la Nobleza de España* I, 383) speaks of the licentiousness of the colonial clergy as inviting the destruction of the colonies; even as the marriage of the Greek priests had been punished by their subjugation under the Turks. Cortés, who had at first asked to have bishoprics erected, speedily changed his mind and requested Charles V to send out only friars, for he said the priests of the Indians were held to such rigid rules of modesty and chastity that if they should see the pomp and disorderly lives of the Spanish hierarchy they would regard the Christian religion as a farce and their conversion would be impracticable. Charles saw the wisdom of this and during the rest of his reign the bishops appointed belonged to the religious orders and secular clergy were sparingly permitted to go to the colonies (Torquemada, *de la Monarquía Indiana*, T. III, pp. 2, 3, Ed. 1723).

<sup>2</sup> See a letter of the Dominicans of Hispañola to Chièvres (Col. de Doc. LXX, 423), also one of Las Casas, Jan. 20, 1535, to the Council of the Indies (Ibid., p. 464).

the New World, wrote a work in defence of his fellow-colonists against the accusations of Las Casas, the whole texture of which reveals profound unconsciousness that the Indian had any claim to consideration as a human being. He sees nothing to reprove in the good missionary who, after preaching on the pains of purgatory, offered to exhibit them to any who were curious. Two Indians presented themselves, whom he bound to a stake, build a circle of wood around them, set it on fire and roasted them to death. For this freak he was tried by his archbishop, but on protesting that it was by mistake that he had neglected to rake away the fire in time, he was sent back to the mission to resume his pious labors. Still more significant is a hideous story which he tells to illustrate his thesis, that the sufferings of the Indians were mostly attributable to the mistaken tenderness shown to them by the *chapetones*—a derisive name applied to newly arrived officials from Spain, who had not had time enough to become hardened. In an Indian village named Hontibon, near Santafé de Bogotá, a Spanish soldier quarrelled with a native and struck him repeatedly in the face. The villagers collected at the cries of the sufferer and their aspect was so threatening that the soldier surrendered and was bound and carried somewhat roughly before the judge in Santafé. The latter, in place of scolding the Indians for their audacity, actually reproved the soldier, fined him and imprisoned him for a few days. Burning to avenge himself, he bought a cross-bow and fifty arrows; on a night of full moon he stationed himself at a bridge on the high-road near Hontibon and when an Indian passed he asked him whence he came. If the answer was "from Hontibon" he was forthwith despatched and his corpse flung into the river. When the fifty arrows had each its victim the soldier used his sword, and at sunrise, his vengeance being glutted, he mounted his horse and escaped to Peru. Now all this slaughter, Machuca argues, would have been avoided if the judge had only done his duty in punishing the Indians.<sup>1</sup>

Destructive as was this supreme contempt for the lives of the subject race, the leading source of misery and extermination was the system of enforced labor. The Spaniard who went to

<sup>1</sup> Machuca, *Discursos Apol6xicos* (Col. de Doc. LXXI, 228, 301).



the colonies did not go to support himself, but to be supported by the labor of others. As Machuca candidly says, in his argument to prove that the Indians were not wantonly destroyed, the Spaniards will not settle in an unoccupied land, no matter how healthy or how rich in gold and silver, but they go where there are Indians, although the land may be poor and unhealthy, for if they have not Indians to work for them they cannot enjoy what the land produces and to take possession of it would be of no benefit.<sup>1</sup> Now the alleged object, steadily asserted throughout the Spanish conquest, was the propagation of the faith. In the momentous bull *Inter, cætera* of Alexander VI, May 4, 1493, bestowing on the sovereigns of Castile all lands discovered in the Western world, the sole motive alluded to is the spread of the Gospel and the bringing of the heathen into the fold of Christ.<sup>2</sup> In the codicil executed by Queen Isabella, November 23, 1504, three days before her death, she declares that her intention in obtaining the papal bull was to propagate the faith, and she charges her husband and children to regard this as the main object and to take the utmost care that the Indians be treated justly and sustain no wrong.<sup>3</sup> So on all occasions the moral and spiritual elevation of the natives was asserted to be the motive of the extension of Spanish domination. It was not easy to reconcile this with the system of *repartimientos* or *encomiendas*—allotting Indians to Spaniards to work the mines and cultivate the fields of their masters, which commenced even under Columbus in 1496, and spread in its development like a upas tree over all the Spanish colonies.<sup>4</sup> The theologians, however, were as usual equal to the occasion and their dialectics sufficed to quiet all scruples of conscience. Isabella was firmly resolved that her new vassals should be freemen; when, in 1498, the returning fleet brought six hundred Indians as slaves, of whom two hundred were given to the shipmasters to pay the freight on the rest, she was justly indignant; she ordered them all to be surrendered, under pain of

<sup>1</sup> Ibid., p. 220.

<sup>2</sup> Mag. Bullar. Roman, I. 454 (Ed. Luxemb.).

<sup>3</sup> Mariana, *Hist. de España*, Ed. 1796, Tom. IX. Append., p. xxvi.

<sup>4</sup> Fabié, *Vida* (Col. de Doc. LXX, 377).

death, and she gathered them together and sent them home—one of them, by a curious coincidence, being a boy given to Bartolomé de Las Casas by his father.<sup>1</sup> Yet even Isabella's scruples gave way to the arguments that the Indians were perversely idle; idleness was a sin, and to eradicate it by the gentle enforcement of industry brought progress in the path of Christian virtue. Moreover, conversion was impossible unless the Indians associated with Christians; this they would not do willingly and some coercion was imperative. When, therefore, in 1502, Isabella sent Ovando to the West Indies to replace Bobadilla, while her instructions were emphatic that the freedom of the Indians should be maintained and that they should be protected from all wrong like her vassals of Castile, she followed these with a letter, December 20, 1503, empowering him to order the caciques each to supply a given number of men who were to be made to work, as freemen and not as slaves, at such reasonable wages as he might designate; they were to receive instruction on Sundays and feast-days; they were to be well treated and any one wronging them was to be fined 10,000 maravedís. Ovando availed himself of this to assign to each of his Spaniards a cacique with his subjects, so that all, men, women and children, were practically reduced to slavery, and although there was an admonition to instruct them in the faith, this was purely formal.<sup>2</sup> The system was legalized by Ferdinand in cédulas of August 14, and November 12, 1509, ordering that as soon as natives are reduced to obedience the governor shall allot them among the settlers, each of whom shall have charge of those assigned to him, protecting them, providing a priest to instruct and administer the sacraments to them and training them in civilization.<sup>3</sup> Thus was inaugurated the system of *repartimientos* or *encomiendas*, which remained as the organization of the Spanish colonies. It mattered little what humane regulations might be prescribed by the sovereigns; the colonies were distant; the colonists were eager in the pursuit

<sup>1</sup> *Hist. de las Indias*, Lib. I, Cap. 155 (Col. de Doc. LXIII, 340).—Fabié, *Vida* (*ubi sup.*, p. 11).

<sup>2</sup> *Hist. de las Indias*, Lib. II, Cap. 13, 14 (Col. de Doc. LXIV, 71, 81).

<sup>3</sup> *Recopilación*, Leyes I, 2, Tit. viii, Lib. VI.

of wealth and utterly unscrupulous as to the means of gaining it; the Indians were slaves in all but name, without the protection afforded by ownership; under the lash they were worked beyond their strength with insufficient food, nor was there decent consideration for women big with child or exhausted by child-birth, and it is not surprising that they melted away like hoar-frost in the sun. The mining of the precious metals cost its millions, but perhaps even more deadly were the tasks imposed on them as carriers, for the islands afforded no native beasts of burden, imported horses were too valuable to be employed in such work, and all transportation was performed by Indians, who were overloaded and goaded till they perished. There is doubtless exaggeration in one of the accusations brought against Fernando Pizarro during his trial in Madrid—that he had slain more than twenty thousand infants torn from the breasts of their mothers in order to use the latter in carrying supplies for his troops, but the formulation of such a charge in a legal prosecution shows that it was not considered at the time to be an improbability.<sup>1</sup> When Machuca reproaches the Indians with their proneness to suicide and infanticide, he merely exhibits to us their hopeless despair for themselves and their offspring.<sup>2</sup>

The civilizing intercourse with Christians, whereby Isabella hoped to spread the faith, was evidently a failure; in the frenzied pursuit of wealth the *encomendero* gave his wretched bondsmen no leisure for religious instruction, and the hatred which he excited naturally extended to his religion. As Juan Fernando de Angelo, Bishop of Santa Marta, wrote to Charles V about 1540, "In these parts there are no Christians, but only demons \* \* \* \* as for the Indians, nothing is more abhorrent to them than the name of Christians, whom they call in their language *yares*; which means demons, and they are right, for the works which are wrought here are not of Christians, nor of men

<sup>1</sup> Fabié, *Vida* (Col. de Doc. LXX, 236). This employment as carriers was recognized as one of the most cruel hardships inflicted on the Indians. Las Casas recurs to it frequently and the sovereigns in vain endeavored to suppress or to limit it. See *Recopilación*, Leyes 6-18, Tit. xii, Lib. VI.

<sup>2</sup> Col. de Doc. LXXI, 227.



endowed with reason, but of demons.'"<sup>1</sup> It mattered little that the sovereigns were careful, in the commissions and instructions issued to the Conquistadores, to keep ever before them that their first duty was to evangelize the heathen; few missionaries at first went over seas and these found the conditions too adverse for success. It is true that in the voyage of 1500, two Franciscans sailed, who boasted that they baptized three thousand Indians in the first port of Hispanola 'at which they touched';<sup>2</sup> other Franciscans accompanied Ovando in 1502, but they did nothing to convert the Indians or to alleviate their miseries.<sup>3</sup> It was not until 1510, when Fay Pedro de Córdova arrived with two fellow Dominicans, to be joined shortly afterwards by ten or twelve more, that any sustained attempt was made to give religious instruction, and we are told that on the afternoons of Sundays and feast-days, multitudes flocked to hear the good frailes, who had won general regard by their austere simplicity. Filled with profound compassion for the sufferings of the helpless creatures whom they had come to convert, they felt, after a residence of about a year, that it was their duty to utter the first protest against the abominations existing around them. After anxious prayer and discussion they drew up a sermon which Pedro de Córdova ordered Anton Montesino, a fervid and fearless preacher, to deliver on the fourth Sunday in Advent, 1511, and to it they invited the admiral, Diego Colon, and all the royal officials and jurists. The sermon was a terrifying one, exposing the wickedness of the Spaniards and assuring them that they had no more chance of salvation than so many Turks. It created great excitement; in the afternoon the officials assembled in the residence of the admiral, who accompanied them to the humble Dominican house, where the frailes were required, under threat of expulsion from the island, to preach a sermon of recantation. They professed readiness to go at any moment, but finally promised that Montesino should endeavor to satisfy them on the next Sunday. Word of the expected revocation was passed around and the whole popula-

<sup>1</sup> *Brevísima Relación*, p. 81.

<sup>2</sup> Chron. Glassberger, ann. 1500 (*Ad Claras Aquas*, 1887).

<sup>3</sup> *Hist. de las Indias*, Lib. III, Cap. 5, 14 (Col. de Doc. LXIV 372, 423).

tion crowded into the church; Montesino mounted the pulpit and delivered a denunciation more fiery than before, telling them that the brethren would no more receive them to confession and absolution than so many highway robbers, and that they might write home what they pleased to whom they pleased.<sup>1</sup>

The fury of the colonists found vent in letters to the court describing the fearful scandal caused by the Dominicans, who consigned them all to hell because they employed the Indians in the mines as the king had ordered—a doctrine destructive of the royal power and revenues, for twenty per cent. of the product went to the crown. This caused great disturbance at home, where powerful officials were interested in the abuses in the colony. Conchillos, the royal secretary, was one of these, and so was Fonseca, Bishop of Burgos, who enjoyed Ferdinand's confidence and had the control of Indian affairs. Ferdinand summoned the Dominican provincial of Castile and ordered him to repair the scandals caused by his frailes or he would see to it himself.<sup>2</sup>

A still more effective measure of the colonial government was the sending to Spain of the Franciscan superior, Alonso del Espinal, whose principal convent was supported by an allotment of Indians. When the Dominicans heard of this they resolved to send Montesino to plead the cause of the natives; with no little difficulty they begged enough provisions for his voyage and the two frailes sailed in different ships. Espinal hurried to the court, where he was received as an angel of light and Ferdinand ordered that he should be admitted to audience at all times. Montesino first reported to his provincial and when he reached the court he found every avenue closed. The usher persistently refused him admittance to the king, till one day, when the door was opened to let some one out, he forced his way in and read to Ferdinand a long memorial recounting the slaughters and cruelties and miseries inflicted on his subjects.

<sup>1</sup> Ibid., Lib. II, Cap. 54; Lib. III, Cap. 3, 4, 5 (Col. de Doc. LXIV, 273, 361 sqq.).

<sup>2</sup> Ibid. (LXIV, 370).

Ferdinand was astonished and moved and willingly granted the request of Montesino to apply a remedy.<sup>1</sup>

The time had evidently arrived to frame a systematic body of laws regulating the relations between colonists and natives in the widening sphere of Spanish domination. To accomplish this Ferdinand summoned to Burgos, where the court was then residing, a conference of learned doctors and masters of law and theology. They were for the most part well-meaning men, but at their head was Bishop Fonseca and they were surrounded by courtiers interested in the preservation of abuses, while the Indians had no advocate but Montesino, until near the close of the proceedings, when he was joined by Pedro de Córdova, who had hurried to Spain on receiving the letters written by his provincial at Ferdinand's order. The result was a foregone conclusion, but there is instruction in the theological arguments by which the royal conscience was soothed. Fray Bernardino de Mesa, one of the king's preachers, presented a thesis in which he proved dialectically that although the Indians were free, yet idleness was one of the greatest evils under which they suffered and it was the duty of the king to relieve them of it, and, as they were prone to it, absolute liberty was injurious to them. Besides, they were naturally inconstant, being islanders, and the moon is the mistress of the waters surrounding them. He therefore concluded that it was necessary to hold them in some kind of servitude to cure their vicious inclinations and constrain them to industry, and this was in conformity with the goodness of God. Another royal preacher, the Licenciado Gregorio, reached the same result with learned citations from Aristotle, Aquinas, Duns Scotus, St. Antonino of Florence, and Agostino da Ancona, and the fate of helpless millions was made to turn on scholastic word-spinning such as this. The conference resulted in seven propositions which, while recognizing the freedom of the Indians and their right to humane treatment, concluded that they must be subjected to coercion and be kept in communication with the Spaniards in order to promote their conversion—and when these points were once admitted

<sup>1</sup> *Ibid.*, Cap. 6 (LXIV, pp. 376 sqq.).



everything depended on the administration of greedy officials at a distance of fifteen hundred leagues.<sup>1</sup>

On the basis thus laid down a council was assembled which proceeded to frame thirty-two laws—known as the Laws of Burgos, promulgated December 27, 1512—for the regulation of the existing and all future colonies. They embodied the principle that the Indians must be rescued from idleness by enforced labor, to be paid for at the rate of a ducat a year, and even the caciques were to be made to work at light tasks. The failure of their conversion was attributed to their having been allowed to live in their homes and villages, so they were required to be brought to the residence of their masters, but at least one-third were to be drafted to the mines. There were various humanitarian regulations introduced, but, as there was no adequate machinery provided for their enforcement, they were of course nugatory. Just as the code was being completed Pedro de Córdova arrived; he saw that it meant the destruction of the Indians and so informed Ferdinand, who empowered him to modify the laws at his pleasure and promised that he would see them obeyed, but Pedro shrank from the responsibility and the Indians lost their only chance. Ferdinand, however, ordered a revision by a junta with Bishop Fonseca at its head and the royal confessor, Tomás de Matienza, as one of its members. Before this body Pedro de Córdova appeared and argued, but to no effect; it reported to the king, under God and conscience, that he was fully justified in making the Indians work and in granting their services to whom he pleased. Thus the project was adopted, with a few trifling additions, so that the whole, as Las Casas tells us, was iniquitous and cruel, with some laws that were impossible and others that were worse than barbarous.<sup>2</sup>

As the keepers of the royal conscience had decided that it was for the service of God that the king should partition out the Indians, the courtiers at once applied for grants. Bishop Fonseca obtained 200 serfs in each of the four islands, Secretary Conchillos secured 1,100 in all and numerous others 200 apiece.

<sup>1</sup> Ibid., Cap. 8, 9, 12 (LXIV, pp. 386, 392, 410).

<sup>2</sup> Ibid., Cap. 13, 15, 16, 17 (LXIV, pp. 417 sqq.).

Moreover, all the royal officials in the islands, and the judges of appeal, who were sent there in 1511 and 1512, received allotments in addition to their salaries, so that the system was buttressed in the court, while in the colonies those who should have restrained its abuses profited by them. The courtiers sent out agents to work their Indians, which they did inexorably and pitilessly; as the wretches died off they claimed that the number should be made up; as there were not enough to go around a new deal would be made and those who had not influence were stripped; these, seeing that they were liable at any time to lose their serfs, thought it better to work them to death, and in this frenzied covetousness no laws protecting the natives were observed.<sup>1</sup> Zuazo, writing in 1519, attributes their destruction to the allotments, aggravated by the successive distributions which greedy courtiers succeeded in having made. Under these they were shifted from one master to another and from the mountains to the lowlands and vice versa, resulting in their perishing by thousands through disease.<sup>2</sup>

Such was the state of affairs when Las Casas undertook what was to prove his life-work. He had returned from Cuba deeply impressed with the cruelty of the conquest, and when Pedro de Córdova came back from Spain they consulted together as to the remedy. Pedro told him that nothing could be done so long as Ferdinand lived, for he placed entire confidence in Fonseca and Conchillos, and they as well as other members of the royal council held too many Indians to consent to any reform. The ardor of Las Casas, however, was not to be balked; he sailed in September, 1515, and in Seville Archbishop Deza gave him a letter to Ferdinand with which in December he went to Plasencia. December 23, he had an audience in which he dwelt eloquently on the atrocities inflicted on the Indians; the king promised redress; he was about starting for Seville, and when there he would consider the matter thoroughly. At Seville Las Casas awaited his coming, only to receive the news of his death, January 23, 1516. It is a tribute to Ferdinand's character that Las Casas regards this as a great misfortune for the Indians, for he felt confident that the king would have put an end to their wrongs.<sup>3</sup>

<sup>1</sup> Ibid. Cap. 19 (p. 450).

<sup>2</sup> Col. de Doc. II, 351.

<sup>3</sup> Ibid., Cap. 84 (LXV, 277).

This was the first of a long series of disappointments, which would have disheartened a man of less tenacity of purpose, but Las Casas forthwith resolved to go to Flanders and win over to his views the young sovereign Charles. His first move, however, was to Madrid, where he presented a memorial in Spanish to Cardinal Ximenes, and one in Latin to Cardinal Adrian,—the governors of Spain, in the absence of the new king. Adrian was horrified at what he read and asked Ximenes if it could be true. Ximenes confirmed it and then advised Las Casas not to go to Flanders, for they would settle the matter to his satisfaction in Spain. Bishop Fonseca was deprived of authority and the two cardinals discussed the question with Las Casas, resulting in his being commissioned to draw up a plan for the relief of the Indians, which he did on the basis of abolishing the repartimientos and making provision to enable the Spaniards to live by honest labor. This was accepted by Ximenes, who asked Las Casas to undertake the task of finding persons suited to carry it into effect. This he was unable to do, and the cardinal concluded to intrust the matter to monks of the Geronimite order, so as to avoid the attrition inevitable between Dominicans and Franciscans. Twelve were selected, out of whom Las Casas chose three, but while the necessary papers and despatches were being drawn up, the enemy got hold of them; they held aloof from Las Casas, and when they reached Hispaniola they fell completely under the influence of the colonists. They made no attempt to execute the plan, which if it could have been carried out in good faith, would have resulted in a flourishing and industrious community, where settler and native could live together in amity. There was an unfortunate clause, however, added by the royal council, providing for the continuance of the repartimientos in case it should be found that the Indians could not be settled in agricultural villages. This was decided against them in advance; the plan was never even tried, and when the kinsmen of the Geronimites followed them and were shrewdly given good allotments of Indians in Cuba by Diego Velazquez, there was no further hope of improvement.<sup>1</sup> It was not the first nor the last practical application of a formula, dear to the

<sup>1</sup> *Ibid.*, Cap. 85-95 (LXV, 281 sqq.).



colonists when unpopular decrees reached them from over sea—*obedézcase pero no se cumpla*—let it be obeyed, but not enforced.

Ximenes had sent Las Casas at the same time to Hispaniola with a kind of supervisory power which proved ineffective. His letters to the cardinal were intercepted and, finding himself unable to accomplish anything, he resolved to return to Spain. In May, 1517, he sailed and in fifty days he reached Aranda de Duero, where he found Ximenes breathing his last. The youthful Charles, however, had just arrived to take possession of his kingdom and Las Casas lost no time in making his way to the court. He speedily recognized that everything was in the hands of the Flemish counsellors and favorites, and he attached himself to the chancellor, Jean Le Sauvage, who took him into favor and soon relied upon him for everything connected with the Indies. An incident, at this time, which might have exercised a controlling influence on the destinies of the New World, illustrates perfectly the government of the young monarch. News came of the discovery of Yucatan, or Mexico. The Admiral of Flanders, Adolf of Burgundy, promptly asked Charles to bestow it on him as a fief, with Cuba as a base from which to colonize it; the favorite Chièvres had charge of royal grants and favors and, as neither he nor his master knew anything about the Indies, the request was granted as readily as if it were a piece of meadow land. The admiral sent to Flanders and in due time there arrived at San Lucar five vessels loaded with Flemings to colonize the new territory. Meanwhile Las Casas had informed Diego Colon of this infringement on his rights; Colon made reclamation and the chancellor informed the admiral that the grant could not be confirmed until the suit was decided, which Colon had brought to enforce the claims derived from his father, to all lands discovered and to be discovered. Most of the Flemings brought to San Lucar died, and the rest returned home; but had Mexico, Central America and Cuba been settled from Flanders and Holland the history of America might have been vastly different.<sup>1</sup>

Le Sauvage brought Las Casas to the favorable notice of Charles, who ordered them to draw up a plan of reform. This

<sup>1</sup> Ibid., Cap. 95, 99-101 (LXV, 343, 364 sqq.).

Las Casas eagerly undertook and reproduced his previous project with some amendments. One of these was to carry to the colonies numbers of industrious peasants and start them there with a view to building up a self-supporting population. This came to nothing, as we shall see; but a more fateful one was the suggestion of permitting the importation of a few negroes. Cardinal Adrian and the chancellor approved his plan and all seemed to promise fair, although Bishop Fonseca had regained his position, it was supposed by bribing Chièvres. The court moved to Saragossa and Las Casas followed it, but fell sick by the way; on his recovery Fonseca was disabled for five weeks, causing further postponement, and then the chancellor Le Sauvage died, early in July, 1518, after which Fonseca regained his former influence. Again Penelope's web was unravelled and the work had to be commenced anew.<sup>1</sup>

The suggestion as to negro slaves, however, had taken root and grown like other evil weeds. It had come to Las Casas from colonists who had told him that if they could get license to import ten or a dozen negroes they would willingly release their Indians. The idea apparently was floating in the air of Hispañola, for Zuazo, in his letter of January 22, 1519, to Chièvres, says that the importation of negroes is a necessity, and he asks, if it cannot be made general, that at least he should have authority to issue licenses for bringing in a hundred from Spain; they should be from 15 to 20 years of age, of both sexes, and should be allowed to choose their masters for a term of not over one year, the masters being married settlers. By this time, moreover, after an abortive attempt in 1505-6, the sugar industry was beginning to establish itself, and the want of more athletic labor about the mills than that of Indians was making itself felt. On its face there was nothing about the project to alarm the most sensitive conscience. Under the treaty of Tordesillas the trade with Africa was reserved to the Portuguese; they were in the habit of bringing negroes to Spain as slaves, and there would seem to be nothing cruel in transferring a few of these to the West Indies, where the climate more nearly approached that of their native land. The sugges-

<sup>1</sup> Ibid., Cap. 102, 103 (LXV, 380 sqq.).

tion of Las Casas was that licenses each for the importation of a dozen negroes should be issued, but when asked how many in all would be wanted, he replied that he could not tell. The question was then put to the Casa de Contratacion of Seville, which regulated the colonial trade, and it estimated the number at four thousand for the four islands. The chance afforded for jobbery was seized at once, and a Flemish favorite, the Governor of Bresse, begged and obtained from Charles the right to issue these licenses. This he promptly sold for 25,000 ducats to some Genoese speculators, who made it a condition that no more licenses should be sold for eight years. Las Casas says that they cleared nearly 300,000 ducats by the operation, but this is manifestly an exaggerated estimate, for he elsewhere tells us that they sold them at about eight ducats a head. It was long before Las Casas recognized his mistake: as late as 1535, in a letter to the Council of the Indies, he suggested that five or six hundred negroes he sent to each of the islands and be parcelled out, a few to each settler, or that free licenses be issued to import them. Towards the close of his life, however, he bitterly repented his error and recognized that he had only perpetuated the slavery which he had labored to abolish. He would not for the world, he says, have made so grievous a mistake; he had supposed that the negroes in Spain had been justly enslaved, but he doubts whether his ignorance and carelessness will excuse him before the divine judgment. The trade grew rapidly and, writing about 1560, he says that there had been some 40,000 carried to Hispañola and 100,000 to the Indies, for the sugar mills required them in increasing numbers, and from the profits derived from licenses and dues the king had built the alcázares of Madrid and Toledo. The Portuguese, who had long been stealing negroes in Guinea, were stimulated to greater activity in their nefarious traffic, and the natives made war with each other to capture slaves for sale. In Hispañola they died rapidly from overwork, and from the liquor which they made from the cane-juice, while many escaped to the mountains, after killing their masters, and became *Cimarrones* or Maroons, so that the people lived in constant dread.<sup>1</sup>

<sup>1</sup> Ibid., Cap. 102, 129 (LXV, 379; LXVI, 28); Tom. LXX, p. 484; Tom. II, pp. 370, 374.



For a moment after the death of Le Sauvage, Las Casas was in despair, but hope revived when La Mure, a nephew of Charles's favorite chamberlain La Chaulx, manifested an interest in the Indians which strengthened rapidly under Las Casas's eloquence. La Chaulx was induced to listen to him and became his warm supporter—in fact, the Flemings as a rule, favored him, possibly as a part of their antagonism to the Spaniards. With their assistance the plan of inducing industrious peasants to emigrate was taken up and ample powers were conferred on Las Casas to carry it out. He set about it with his accustomed vigor and it promised well, but again his hopes were dashed. He was induced to appoint as his assistant a gentleman named Berrio, to whom a commission was given placing him under the orders of Las Casas, but after it was signed by the king Bishop Fonseca secretly altered it, rendering him independent. After working together for a short time Berrio cut loose, went to Andalusia and collected some two hundred tramps and vagabonds, whom he took to Seville and handed over to the Contratacion. Las Casas had not yet given it instructions, but it shipped these choice colonists to Hispañola, where no preparations had been made for them; most of them perished and the rest took to evil courses. After such a beginning there was small hope of success and Las Casas abandoned the scheme when he learned that the Geronimites had sold the royal plantations out of which the immigrants were to receive allotments and when he found that Bishop Fonseca and the Council refused to make the promised provision for their temporary support.<sup>1</sup>

Still indefatigable in spite of these repeated disappointments, he found favor in the eyes of the new Chancellor Gattinara, with whom he speedily evolved a more daring scheme. Abandoning the islands, he resolved to try whether the peaceful colonization of new territory might not solve the problems which had thus far baffled Spanish statesmanship. Tierra Firme—the north coast of the Southern continent—had been scarcely touched, although Pedro de Córdova with his Dominicans and some Franciscans had established a few missionary stations there.

<sup>1</sup> Ibid., Lib. III, Cap. 104, 130 (LXV, 391; LXVI, 33).

He asked for the control of this land, to be settled under his direction, according to an elaborate and somewhat fantastic plan, which he worked out in the minutest detail, and in return for this he promised that in three years the king should derive from it a revenue of 15,000 ducats, growing to 30,000 in six years, and to 60,000 in ten years. It shows the confidence which he had inspired that he obtained this grant, consisting of three hundred leagues of the northern coast, from the Gulf of Paria to Santa Marta, and extending inland to the southern sea, comprising in fact, well nigh half of South America. The "capitulation" was signed by Charles, May 19, 1520, at Coruña, two days before he sailed to assume the title of King of the Romans. Las Casas owed this to the favor of Cardinal Adrian and the Flemings, for Bishop Fonseca and the Council of the Indies had fought the project bitterly and he had only been successful at the last moment.<sup>1</sup>

On the strength of such a grant as this he had no trouble in raising the money requisite for the enterprise; the necessary papers were made out for him, friends contributed an ample store of beads, bells and other trinkets for trading with the Indians, he gathered a sufficient number of industrious laborers, and on November 11, 1520, he set sail from San Lucar, full of hope, for he had at his disposal a vast territory on which no Spaniard could set foot without his permission and where he would have free scope to realize his convictions that the Indians could be converted and civilized by peaceful means. On his arrival at Puertorico, however, disastrous news awaited him. Spaniards engaged in the pearl fishery on Cubagna, one of the Leeward Isles near the coast, being in want of Indians to carry on that peculiarly deadly trade, had made a raid on the mainland for slaves; the exasperated natives had retaliated by massacring the Dominicans at Chiribichi and Maracapana, on whom he had relied for the commencement of his work, and moreover, the authorities of Hispañola, under pretext of avenging this, were organizing a great slave raid in five vessels with three hundred men. There was thus little chance for the peaceful colonizing on which his scheme depended, but he waited in Puertorico to

<sup>1</sup> *Ibid.*, Cap. 131-141, 155 (LXVI, pp. 37 sqq., 164).

intercept and if possible arrest the expedition. When it came, however, the captain refused to obey the royal power delegated to Las Casas and proceeded on his errand of destruction. Las Casas went on to Hispañola, where the authorities threw every obstacle in the way of his plans, although they could not refuse to issue the required proclamation forbidding, under pain of death and confiscation, anyone to go to his territory without his license. He was finally obliged to come to a compromise, under which, in July, 1521, he set out for the coast in two vessels laden with provisions and articles of barter. He landed in the river Cumana, where Gonzalo de Ocampo was endeavoring to found a Spanish settlement near a Franciscan mission, but his people were starving, for the Spaniards on Cubagna kept the whole coast in a state of alarm and the natives everywhere were hostile. Ocampo's men gladly seized the opportunity to escape and those whom Las Casas had brought refused to remain. There was nothing to do but to land the goods, to the value of 50,000 castellanos, and to let the people go.<sup>1</sup>

It was evident that the peaceful conversion of the Indians was impossible unless the raids on the coast could be stopped, and for this it was necessary to invoke the royal authority. After long and prayerful consideration Las Casas concluded to appeal personally for this and he sailed for Hispañola; an ignorant pilot carried him to leeward of Cape Beata and two months were wasted in vainly beating against wind and current to get back. Finally he abandoned the attempt and landed at Yaquimo (Jacmel?) and made his way across the country to San Domingo, where he learned that his colony had been destroyed by the Indians, though most of his people had made their escape. The blow was crushing; the lofty hopes which he had cherished when leaving Spain, with half a continent at his disposal, were irretrievably shattered, and it is no wonder that even his iron tenacity of purpose gave way for a time. He wrote to the king and while awaiting a reply, in 1523, he yielded to the solicitations of the Dominicans and entered their order. During his noviciate letters came from Cardinal Adrian and the Flemings of the court telling him that if he would return

<sup>1</sup> *Ibid.*, Cap. 156-8 (LXVI, pp. 165 sqq.).



he should be received with greater favor than ever, but the superiors of the convent withheld them and he took the irrevocable vows.<sup>1</sup>

After the agitations and disappointments of the last eight years the peaceful existence of the convent was grateful and Las Casas found repose in the study of theology and in writing his "Historia Apologetica." It shows that the kindly intentions of the Spanish rulers towards their Indian subjects were not dependent upon his exhortations, that during this period Charles V issued a decree, June 26, 1523, to the effect that no one should injure the Indians in person or property; any one striking or killing them or taking from them anything against their will, except the legal tribute, or laying hands upon them or seizing their wives or children, should be punished according to the laws of Castile, and all royal officials were ordered to use the most watchful care in ascertaining and punishing wrongs committed upon them.<sup>2</sup> In 1523 also, he repeated to Cortés an injunction which he had given to Diego Velazquez in 1518, forbidding him from making repartimientos of the Indians.<sup>3</sup> They were thus fully recognized as free vassals of the crown, like native Castilians, and the decree of 1523 was reissued in 1543, 1582 and 1620. Another decree of November 9, 1526, repeated in 1530, 1532, 1540, 1542 and 1548, forbade the enslaving of any Indian, even if captured in a just war; all permissions to that effect, issued by local authorities, were revoked; any one holding, buying, selling or exchanging an Indian slave was punishable with forfeiture of all his property, while the Indian was to be set free, and officials neglecting to enforce this with all rigor were deprived of their offices and mulcted in 10,000 maravedis.<sup>4</sup> Moreover, Charles caused a

<sup>1</sup> Ibid., Cap. 158-160 (LXVI, pp. 180 sqq.).

<sup>2</sup> *Recopilación*, Ley 4, Tit. x, Lib. VI. A practical commentary on this legislation is the torture administered to Guatemozin and his chiefs at the demand of the royal treasurer Julian de Alderete, to discover the treasure lost in the *Noche Triste*. Alderete was a creature of Bishop Fonseca.—Torquemada, *Monarquía Indiana*, Tom. I, p. 574 (Ed. 1723). Cf. Obregón, *Mexico Viejo*, II Serie, p. 9.

<sup>3</sup> *Solorzani de Indiarum Jure*, Tom. II, p. 266 (Matriti, 1639).

<sup>4</sup> *Recop.* Ley 1, Tit. ii, Lib. VI.

collection of the laws relating to the Indies to be made, to which were prefixed declarations of December 4, 1528, and August 24, 1529, stating that the object of the compilation was the conversion and good treatment of the Indians, wherefore he ordered the inviolable observance of the laws, especially those in their favor, in spite of all supplications and appeals, and all viceroys, governors, judges, etc., were threatened with confiscation, suspension from office and punishment at the royal pleasure for disobedience.<sup>1</sup> If the Indians were oppressed it evidently was not through any lack of good intentions on the part of the monarch, especially as Bishop Fonseca had died in 1524.

Yet was there no abatement of cruelty and oppression. Cortés was trampling on Mexico, and Pizarro and Almagro were on the point of starting for Peru, where they were to earn an infamous immortality. The rumor of their project is said to have roused Las Casas from his retirement, leading him to visit Spain again, whence he returned with the decree of 1530, which he carried in 1532 to Peru, where Pizarro and Almagro received it obediently, promised to have it solemnly proclaimed with additional penalties, and coolly went on with their infernal work.<sup>2</sup> Thus restored to activity, Las Casas speedily regained his former ardor. We hear of him, in 1533, in Hispaniola as prior of the convent of Puerto de Plata, where he created scandal by propagating, in his sermons and otherwise, scruples of conscience as to the treatment of the Indians and forcing a moribund to execute a will manumitting those whom he held, for which the judges complained bitterly of him to the emperor.<sup>3</sup> In 1535 he was aroused to fresh zeal by a report that in return for a loan of 300,000 or 400,000 ducats, some 300 or 400 leagues of the coast of Tierra Firme had been leased to the Germans for four years. This brought from him a fiery letter to the Council of the Indies on their responsibility for the destruction of the bodies and souls of the Indians, to remedy which he proposed, in full detail, a plan for ejecting all the conquistadores and placing the colonies in the hands of bishops and friars with troops under their orders.<sup>4</sup>

<sup>1</sup> Recop. Ley 5, Tit. i, Lib. VI.    <sup>2</sup> Fabié, *Vida* (Col. de Doc. LXX, 136-8).

<sup>3</sup> Col. de Doc. LXX, 346.

<sup>4</sup> *Ibid.*, pp. 464-86.

In 1536 we find him in Mexico, where, in derision of his peaceful theories, the Spaniards proposed his trying them on the province of Tuzulutlan, which from its rugged features and excessive rainfall had resisted all attempts at invasion. He accepted the challenge and entered into a formal agreement with the president, Alonso Maldonado, who promised that if the Indians should submit and pay such moderate tribute as the land could afford in gold, cotton or maize, they should never be subjected to repartimientos and encomiendas, and that for five years no Spaniard should be allowed to enter the territory, so that his missionary labors should be undisturbed. Las Casas, with two frailes, succeeded in converting the cacique and his people, but his work was cut short by a summons to Guatemala in 1538, for, as a Dominican, he was now subject to the orders of his superiors. Maldonado, who was by no means an admirer of Las Casas's theories, in a letter to the king, October 16, 1539, freely described the success of the effort and his regret that Las Casas should have been called off. In 1540 the agreement was confirmed by Charles, and May 1, 1543, he issued a cédula promising that neither he nor his successors would ever alienate the Indians of Tuzulutlan from the crown. In 1545 Las Casas, then Bishop of Chiapa, had the satisfaction of visiting the province, when the Christian Indians and their caciques received him joyfully in crowds. In honor of this peaceful victory the name of Tuzulutlan, in 1547, was changed to Vera Paz; in 1560 it became the seat of a bishopric, which in 1605 was merged into that of Guatemala.<sup>1</sup> This was the one success of Las Casas in his long and active career, but it is of supreme importance as showing the truth of his postulate that men of apostolic spirit could have peacefully spread Christianity and civilization through the New World.

While in Guatemala, in 1539, Las Casas received instructions from Charles to continue his good work in pacifying the Indians, but he was anxious to interview the emperor and he procured a mission to go to Spain and bring out more members of his order. On his arrival he found that Charles was in

<sup>1</sup> Fabié, *Vida* (Col. de Doc. LXX, 144-53, 182-6, 487).—Gams, *Series Episcoporum*, p. 151.



Germany and to him wrote, December 15, 1540, that he had matters of importance to communicate, wherefore he solicited instructions to the Provincial of Castile to let him remain until the emperor's return.<sup>1</sup> The conjuncture was favorable, for Garcia de Loyasa, Archbishop of Seville, who was then president of the Council of the Indies, regarded Las Casas with much favor. It was resolved to reconsider the whole legislation regarding the Indians, and during 1541 and 1542 numerous conferences were held for the purpose of drafting new laws. As a contribution to the discussion Las Casas wrote several tracts, not printed until 1552, chief among which was his celebrated "Brévisima relacion de la Destruycion de las Yndias," which has been translated into almost every European language and has formed the text of the discourses on the subject since then. Another of the tracts consists of the eighth of a series of remedies which, by order of the emperor, he laid before a conference held at Valladolid in 1542. This, he says, is the principal remedy, without which all the rest would be useless, viz. that the emperor shall cause an inviolable law to be passed by the *córtes* and be sworn to in the most solemn manner by the sovereign for himself and his successors, incorporating as free vassals of the crown of Castile and Leon all Indians now or hereafter subjected, who are never to be alienated or granted in *encomiendas* to Spaniards.<sup>2</sup>

There can be little doubt that Las Casas exerted efficient influence on the character of the "New Laws," which were finally signed by Charles at Barcelona, November 20, 1542, and were sent not only to the viceroys and governors, but to the superiors of the convents, so that their execution should be supervised. While not all that he had asked for, they reflected his views too faithfully to retain their place in permanent legislation, for few traces of them are to be found in the final *Recopilación*, collected and promulgated in 1680. They prohibited all slavery of Indians, whom they required to be treated as what they were—vassals of the crown of Castile; all existing slaves were to be set free if the owners could not show legitimate title, and the courts were ordered to appoint proper persons to con-

<sup>1</sup> Col. de Doc. VIII, 555.

<sup>2</sup> *El Octavo Remedio* (Venet., 1640).

duct their cases and to be paid out of the fines. The repartimientos and encomiendas were not abolished, but all new ones were prohibited and existing ones were to lapse on the death of the possessors, provision being made to compensate widows and children out of the Indian tribute.<sup>1</sup>

To appreciate the opposition excited by this project for the extinction of the encomiendas, we must consider the peculiar character of the Spanish conquests. They were not made by the royal fleets and armies, at the expense and under the direction of the crown, but by filibustering expeditions of adventurers who put at risk their money and their lives in the hope of profit, while the crown obtained the suzerainty of the conquered territories, with one-fifth of the precious metals discovered and a tribute from the Indians subdued. Ponce de Leon, Vasco Nuñez, Cortés, Pizarro, Alvarado, Hernando de Soto, were adventurers of this type, with at most a royal license granting them certain rights over what territory they might acquire. When the conquest was made it was organized by giving to each soldier, according to his merits and services, an encomienda, or tract of land, with so many Indians, to be held for two lives, after which it would lapse to the crown. The indignation not unnaturally excited among those threatened with the shortening of their tenures, is expressed with more vigor than courtliness in a letter to the emperor from the authorities of the city of Guatemala, September 10, 1543. They had heard of the New Laws, but had not yet received them, and they made haste to complain bitterly that their services are to be rewarded by depriving them of the grants solemnly assured to them. They had conquered the land at their own expense without cost to the crown; they had been urged and ordered to marry and are now encumbered with families, while their children are to be left to starve by depriving them of the succession to the repartimientos, and all this to gratify the whims of an ignorant and scandalous friar, whose vanity will not allow him to be quiet and who had been driven from every place and every convent that had been afflicted by his presence.<sup>2</sup>

<sup>1</sup> *Brevísima Relación*, p. 135.—Fabié, *Vida* (Col. de Doc. LXX, 159-61).

<sup>2</sup> Col. de Doc. LXX, 529.

The crown was evidently in a false position. It had reaped where it had not sown and now it was seeking to deprive the laborers of all share in the harvest earned by their sweat and blood. The original vice in the methods of conquest rendered humanity to the Indians impossible. So lately as May 13, 1538, Charles had authorized the "commendation," for two lives, of Indian towns and villages to those who had deserved the reward,<sup>1</sup> and it could not be expected that they would submit quietly to this sudden change of policy, which meant ruin to their families, while aggrandizing the crown. When Blasco Nuñez Vela endeavored to enforce the new laws in Peru, it led to the revolt under Gonzalo Pizarro, and the same would have been the result in Mexico had not Francisco Tello de Sandoval prudently suspended them after publication. The loss of all the colonies on the mainland was imminent and Charles yielded. He was in Flanders, far removed from the influence of Las Casas, and at Mechlin, October 20, 1545, he issued a cédula revoking the provisions of 1542 on this subject.<sup>2</sup> The encomiendas thus were firmly established, and for a hundred years they continued to be the subject of perpetual legislation, mostly in the direction of protecting the Indians from the abuses inherent in the system. Theoretically, as described by Machuca, this was simply that all the Indians in an encomienda should pay to the lord a tribute fixed by law, in return for which he was required to establish and maintain a "doctrina," or mission with a priest, to defend them in their suits, to cure them in their maladies, to pursue and seize all fugitives and to perform some other minor duties.<sup>3</sup> The statutes

<sup>1</sup> Recop. Ley 3, Tit. viii, Lit. VI.

<sup>2</sup> *Solorzani de Indiarum Jure*, II, 598.—Garcilaso Inca, *Hist. Gen. del Perú*, Lib. IV, Cap. vii, sqq.—Recop. *ubi sup.*

<sup>3</sup> *Discursos Apol6xicos* (Col. de Doc. LXXI, 260). The encomiendas had originally been granted for two lives and there was naturally a constant pressure for extending or perpetuating the benefice. In 1555 Antonio de Ribera was sent to the emperor in Germany with an offer of six or seven millions of ducats if he would render them perpetual in Peru. Las Casas protested vigorously but Charles yielded, and by a cédula from Ghent, September 5, 1556, he conceded the request; the transaction, however, fell through owing to the impossibility of raising so enormous a sum (*Solorzano*, II, 598). Yet it was recognized as a



for their protection, in the constant reiteration of prohibitions of oppression, are eloquent of the wrongs to which the defenceless serfs were subjected, incurable by legislation, however beneficent. That repeated decrees forbade all officials and churches to hold *encomiendas* was evidently for the purpose of preventing them from being interested in the violation of laws which they were bound to enforce, but the necessity for re-enunciating these decrees shows how little they were obeyed.<sup>1</sup> At the close of the century Mendieta describes the *encomiendas* as the most cruel infliction which threatens the destruction of the Indians, who were compelled to forced labor with unsparing rigor. His description of their conditions is deplorable, for their tasks were exacted of them with merciless severity and they were treated far worse than the negro slaves, whose cost was some protection. It was a serious obstacle to their conversion, for the hatred thus aroused was especially directed to the ministers of God as the accomplices of their ruthless oppressors.<sup>2</sup> In the first quarter of the seventeenth century Fray Juan de Torquemada describes the system as the total destruction of the Indians through the forced labor imposed on them in the mines and elsewhere, though he deems it more prudent not to enter into

hardship that the grandchildren of the conquerors should be disinherited and sundry laws of 1555, 1559, 1576, 1588 and 1607 recite that in this way the descendants of the original discoverers and settlers became impoverished, wherefore it was ordered that a third life might be tolerated and then a fourth. Finally the rule of four lives was adopted for all grants made up to 1607. Those who subsequently obtained *encomiendas* endeavored to claim the benefit of this, but Philip IV, in 1637, decreed that unless a longer term was specified in the grant it should be deemed for two lives only (Recop. Leyes 14, 15, Tit. xi, Lib. VI). They were in some sense military fiefs; the *encomiendero* was held to military service and was bound to keep horse and arms; the holding passed to the eldest son if there was one, and could never be sold or exchanged or alienated and one-third of the revenue was paid to the crown (Ibid., Leyes 1-4, 8, 13, Tit. xi; Leyes 38, 39, 44, Tit. viii; Leyes 4, 8, Tit. ix, Lib. VI). The Indians when gathered in *pueblos* or villages under this system were in some sense predial serfs, for they could not leave the spot; but there were also large numbers of them *de mita*, who were employed in forced labor at the mines and in transportation, in which their sufferings continued with little abatement (Leyes 16, 17, 22, 25, Tit. ix; Tit. xii, Lib. VI).

<sup>1</sup> Recop. Ley 12, Tit. viii, Lib. VI.

<sup>2</sup> Mendieta, *Hist. Eccles.*, pp. 519 sqq.

details.<sup>1</sup> The saintly Palafox, who, in the discharge of his duties as bishop of Puebla, protector of the Indians and inspector-general of the tribunals, had traversed Mexico from shore to shore and thus had special knowledge of the situation, in 1650 addressed to Philip IV a touching appeal to enforce the laws for their protection; they were still subject to intolerable abuses, including enforced labor, but their long-suffering was such that they endured all in silence and rarely sought redress for the most flagrant wrongs unless stimulated to it by some Spaniard.<sup>2</sup>

In the "New Laws" of 1542, Las Casas had again apparently accomplished nearly all that he had sought, and in that year he was offered the bishopric of Cuzco, which he refused. Then the see of Chiapa fell vacant, which he accepted. The year 1543 was passed in getting his bulls from Rome and in selecting a chosen band of forty-six Dominicans to accompany him, for he was resolved to make full use of the power inherent in the episcopal office to enforce the reforms which had been promised in the new legislation. He was consecrated in Seville, March 30, 1544, and on July 10 he sailed from San Lucar, reaching San Domingo September 9. He found that the New Laws had not received the slightest attention; procurators had been sent to Spain to labor for their repeal, and it was with great difficulty that he obtained their publication without thereby securing their observance.<sup>3</sup> It was the same when he reached Campeachy, early in January, 1545, and so great was the antagonism towards him that the people refused to receive him as their bishop or to pay his salary and tithes, so that he had no little trouble in raising money to defray a portion of the charter of the vessels that brought him and his frailes. After tribulations and losses he reached his episcopal city of Cuidad Real de Chiapa, where in his modest cathedral he found but two priests—the dean, Gil Quintana, and canon, Juan Perera. His sermons and exhortations as to the Indians were uttered to deaf ears, but as Easter drew near he felt himself master of the

<sup>1</sup> Torquemada, *Monarquia Indiana*, T. I, p. 647.

<sup>2</sup> Palafox, *De la Naturaliza del Indio* (Obras, Madrid, 1762, T. X, p. 451).

<sup>3</sup> Fabié, *Vida* (Col. de Doc. LXX, pp. 161-71).

situation. Paschal communion was a matter of obligation, which no Spaniard of that day could possibly omit, while sacramental confession and absolution were a condition precedent to communion. As bishop he had complete control of the confessional; he could determine who should hear confessions and what sins he should reserve for absolution by himself exclusively. He commenced by withdrawing all licenses to hear confessions, except those of Quintana and Perera, and to them he gave a list of cases reserved to himself, including not only the servitude and ill-treatment of the Indians, but the wealth acquired from them, which he classed as ill-gotten gains requiring restitution before the sinner could hope for absolution. This practical denial of the Easter sacrament produced a tumultuous agitation in which his life was threatened; Quintana favored the slave-holders and ventured to absolve four of them under his faculties as commissioner of the Santa Cruzada, for which Las Casas excommunicated him; but the people so boycotted the bishop and his Dominicans that they were in danger of starvation and took refuge with the Indians of Chiapa, who received them with rejoicing and earnestly sought conversion and baptism.<sup>1</sup>

Las Casas had summoned Marroquin, Bishop of Guatemala, and Valdevieso of Nicaragua to meet him at Gracias á Dios, the capital of the province, for the purpose of demanding of the Audiencia, or royal court, the enforcement of the New Laws. To keep this engagement he left his retreat among the Indians and went to the capital, where the president Maldonado and the judges treated him with contempt and called him a fool and a madman. Nothing daunted, on October 22, 1545, he presented a formal demand that he should be supported by the civil power in his episcopal authority and that the New Laws should be enforced; if this was not done within three months, he pronounced on them a sentence of excommunication *ipso jure*. They replied that they would issue orders to enforce his jurisdiction and that they would obey the royal laws, but they appealed from his sentence to the pope, they denied his power to excommunicate them and threatened to report his excesses to the king

<sup>1</sup> Ibid., pp. 172-86, 531-33.



in order that he might be properly punished. Both sides, in fact, wrote to Spain accusing the other. Las Casas and Valdevieso stated that the condition of the Indians was growing worse, that Maldonado and his kindred held allotments of 60,000 of them and of course he would not enforce the New Laws; that the Bishop of Guatemala also held allotments, and that they would resign their sees unless there were prospects of improvement. Then news reached him that the people of Cuidad Real had organized to seize his temporalities and prevent his return. In spite of warnings that his life was at stake, he set out and entered the town at night. There were stormy and tumultuous proceedings, but his firmness triumphed, and by Christmas he was carried in procession to a house that had been prepared for him.<sup>1</sup>

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His stay was short. In 1544 Francisco Tello de Sandoval had come to New Spain as *visitador*, or inspector-general, with instructions to promulgate the New Laws, which he did, March 28, 1545. They were not enforced, however, owing to the general opposition, and it was probably on this account that he summoned all the bishops and superiors of convents to meet him in Mexico. Towards the end of February, 1546, Las Casas set out, secretly resolving never to return. There was a notable gathering of prelates and men of learning, who after many public conferences laid down eight principles, which are noteworthy as expressing the attitude of the Church on the policy of the conquest. These state that the only object of the Holy See in conceding the sovereignty of the Indies to Spain was the propagation of the faith; that the heathen justly possess what they hold, including their kingdoms, states, lordships and jurisdictions; that conversion can only be accomplished by persuasion; that the Holy See, in granting the supreme overlordship to Spain, did not intend to deprive the natives of their estates and dignities and jurisdictions, or to concede anything that would interfere with the evangelization of the land, and that the Kings of Castile, in volunteering to provide for the diffusion of the faith, were under obligation to defray all expenses necessary for that purpose. Moreover on this basis was framed a formu-

<sup>1</sup> Ibid., pp. 182-201, 535-41.

lary for confessors in absolving Spaniards, and a memorial was drawn up to the king and the Council of the Indies so that its principles might be embodied in legislation. In all this the slavery of the Indians was not alluded to, at the express desire of the viceroy, Antonio de Mendoza, but a sermon of Las Casas on the subject so moved him that he permitted it to be discussed in meetings held privately and offered to forward to the king their conclusions, which were that Indian slavery was unlawful, except of those captured in the second war of Jalisco, and that the enforced labor imposed on the natives was condemned.<sup>1</sup>

Las Casas was determined to return to Spain. In preparation for his absence he appointed, in November, 1546, a provisor and confessors to whom he sent the instructions to confessors agreed upon in the conference of Mexico. These were so rigorous that, when they became known, appeal was made to Prince Philip, who in November, 1547, ordered them to be sent to Spain for examination. The uncompromising and unpractical character of these instructions renders easily intelligible the fierce hatred which Las Casas excited among the colonists. He had already, in 1543, expressed his views in a letter to Charles V, in which he argued that all the wealth acquired by the conquistadores and their successors was robbery. From this it followed that they should be stripped of it, except enough to sustain life; half of this should be restored to those from whom it had been taken or to their heirs, and the other half be used to send out and establish industrious settlers who would render the colonies flourishing.<sup>2</sup> Even this, however, was a compromise which he outgrew and in the instructions to confessors he assumed that not one of the conquistadores possessed rightfully a single *maravedí*—if he were rich as the Duke of Medina Sidonia he could not with all his wealth make satisfactory restitution, and his heirs were in the same condition. As a preliminary to absolution, therefore, the penitent was required to make a valid legal conveyance before a notary of all his property, to be distributed at the discretion of the confessor, who might allow as alms to the heirs enough for a bare subsistence. Extravagant

<sup>1</sup> *Ibid.*, pp. 203-8.

<sup>2</sup> *Col. de Doc. LXXI*, 422.

as may seem this violent transfer of all the wealth, real and personal, of the colonies through the hands of the confessors, it was so rigidly deducible from the conclusions of scholastic theology that all the doctors and theologians to whom the instructions were submitted approved of them, as they were bound to do.<sup>1</sup> In his zeal for the Indians, however, Las Casas cast aside the system of composition for ill-gotten gains of which the owner cannot be found, whereby the Church has prudently in practice left an outlet for the more or less repentant sinner, in order not to render confession "odious," and we have seen that he excommunicated his dean Quintana for exercising his power as commissioner of the Santa Cruzada, in which this faculty of prescribing compositions in such cases has been a source of abundant revenue. In his letter of 1543 to Charles V, Las Casas had admitted this principle of composition by advising that, in cases where the original owner or his heirs could not be found, authority be obtained from the pope to compound for one-half or one-fifth or one-sixth, according to the degree of criminality involved, and that the immense sums thus acquired be expended in spreading the faith and in establishing peaceful and industrious settlers, after having expelled the leaders of the conquistadores, such as Almagro. The synod of Santafé de Bogotá, in 1556, proposed a more thrifty solution of the problem by deciding that the holders of encomiendas, who had established missions in their lands and had paid their full dues to the Church, could conscientiously retain all that they had taken from the Indians, while those who had neglected to do so ought to make restitution, because the reason for the conquest was the spread of the faith.<sup>2</sup>

It argues well for the Spanish monarchs that Las Casas never lost their favor while maintaining and endeavoring to enforce doctrines so revolutionary and so disturbing to the state, for he applied them to the sovereign as well as to the subject. His theories, imperfectly expressed in the Declaration of

<sup>1</sup> Fabié, *Vida* (Col. de Doc., LXX, 307).

<sup>2</sup> Groot, *Hist. eclesiastica y civil de Nueva Granada*, Tom. I, App. II, p. 492. This is stated to be derived from the first Mexican council, held in 1556, but there is no such provision in the proceedings of the latter.



Mexico in 1546, were that the King of Spain was merely overlord of the Indies, as the emperor was of Germany, and that even the papal grant required free confirmation by the native rulers to render it effective. The Indians were to be left to their own institutions, under their caciques, while the Spanish king was to be at the expense of maintaining and protecting the friars sent for their conversion. Even for this service he was debarred from exacting any tribute. In a letter of August, 1555, to Carranza, the subsequent Archbishop of Toledo, then in England with Philip II, he asks whether there is no one who will undeceive the sovereigns and make them understand that they cannot levy a real of tribute from the Indians with a good conscience. To reach these conclusions he did not hesitate, in an age of absolute monarchy, to affirm the broad principle that rulers are made for the people, not the people for the rulers.<sup>1</sup>

In 1547 Las Casas left the Indies for the last time. On his arrival in Spain he was almost at once involved in his celebrated contest with Gines de Sepúlveda, one of the leading theologians of the time, which occupied him until 1550. Sepúlveda had been retained by the adverse interests and had written a work entitled *Democrites alter*, to justify the subjugation of the Indians. The controversy was a bitter one, in which Sepúlveda endeavored to convict Las Casas of treason and heresy, but it is only of interest to us here as furnishing evidence that the conscience of the learned classes in Spain was more sensitive on the subject than has generally been thought, for, although Sepúlveda stood forward as the defender of the royal power and prerogative, his book was condemned by the universities of Alcalá and Salamanca, permission to print it was refused by both the Councils of State and of the Indies, and when he sent it to Rome to be published its introduction into Spain was prohibited.<sup>2</sup> Moreover, by command of the Council of the Indies, Las Casas, in 1552, wrote a tract enumerating the sufferings of the virtually enslaved Indians, and proving that Spaniards so holding them were in mortal sin and incapable

<sup>1</sup> Col. de Doc. LXXI, 386. *Disputa con Sepúlveda*, Princip. iv (Venet., 1645).

<sup>2</sup> *Disputa con Sepúlveda*, Argomento, p. 174.

of absolution until they should release all who were not legally in bondage.<sup>1</sup> To Las Casas may chiefly be attributed this enormous ethical advance, since Ferdinand's theologians justified the Laws of Burgos.

In 1550 Las Casas resigned his bishopric. Advancing years rendered him less able to perform active work in the cause to which he had dedicated himself, but, until his death in 1566, at the age of 92, he continued indefatigably with pen and tongue to defend the defenceless Indians. He was in constant correspondence with friends in the Indies, who kept him advised of their sufferings, his indignation remained as hot as ever and his zeal for their relief was unabated. Yet he was forced sorrowfully to admit, in a letter to the Dominicans of Guatemala, in 1562, that in the sixty-one years during which he had been a witness of Spanish tyranny, the oppression of the Indians had gone on constantly increasing, which was a disheartening outcome of his incessant labors and of the numerous laws which had been enacted in their behalf.<sup>2</sup> It is no wonder that in what was probably his last writing he foretold that the wrath of God would be visited on Spain for the wicked and impious treatment of the Indians, and that he bequeathed to the college of San Gregorio in Valladolid his collection of letters, descriptive of the cruelty practised on them, which he desired to be carefully preserved in order that if the Lord should hereafter destroy Spain the causes of his vengeance might be manifest.<sup>3</sup>

The encomiendas, as we have seen, had become too deeply rooted to be eradicated, and the kindly legislation which continued to be enacted was powerless to prevent the abuses inseparable from it—indeed, the repetition of prohibitions of overtaxing and maltreating the natives are only of worth as showing how vain was the effort to ameliorate the system and how evitable were its evils under the lax and corrupt administration prevalent in the Spanish colonies. Philip II was constant and earnest in his efforts to protect his Indian subjects. In 1582 he ordered inspectors sent through all the provinces

<sup>1</sup> *Tratado sobre la materia de las Indias* (Venet., 1657).

<sup>2</sup> Col. de Doc. LXXI, p. 369.

<sup>3</sup> Fabié, *Vida* (Col. de Doc. LXX, 235, 237).

to reform abuses committed on them, and he instructed his vice-roys and governors and judges constantly to report whatever seemed to them to require remedy; in 1595 he decreed that Spaniards who maltreated or injured Indians should be punished more severely than if the offence were committed on Spaniards; in 1596 he commanded all prelates to send detailed reports by every fleet as to the condition of the natives—whether they were well or ill treated, whether they were increasing or diminishing, whether the laws for their protection were observed or not—together with suggestions as to what could be done for their improvement.<sup>1</sup> A decree of Philip IV prohibited all forced labor and required satisfaction to be given to him and to the world for their ill-treatment, which is against God and himself and the total destruction of the empire.<sup>2</sup> As the Spanish conquests spread over South America, the most careful instructions were issued to preserve the liberty of the Indians, and when in 1629, the Governor of Marañon sent some as slaves to other places, saying that they had been lawfully enslaved, Philip IV ordered their immediate release.<sup>3</sup> It was the same in the Philippines; in 1609 Philip III gave instructions that on all public works Chinese and Japanese should be hired; if they could not be had in adequate numbers the voluntary service of the natives might be accepted, but they were not to be compelled to labor unless the safety of the state was at stake, for their freedom was of greater moment than the convenience of the public or any saving to the treasury.<sup>4</sup> Charles II, by a decree of June 12, 1679, ordered all Indian slaves in Peru and New Spain to be set free; he had commanded this before, but the governor of Chile had suspended it under various pretexts and he now makes the order peremptory, for it is of supreme importance that the Indians be treated lovingly and not be oppressed or molested.<sup>5</sup> There was an organization of officials known as Protectors of the Indians, whose function it was to see that their rights were preserved, and to enforce those rights by

<sup>1</sup> Recop. Leyes 7, 8, 21, Tit. x, Lib. VI.

<sup>2</sup> Ibid., Ley 25, Tit. v; Ley 2, Tit. x, Lib. VI.

<sup>3</sup> Ibid., Ley 4, Tit. ii, Lib. VI.

<sup>4</sup> Ibid., Ley 40, Tit. xii, Lib. VI.

<sup>5</sup> Ibid., Ley 16, Tit. ii, Lib. VI.



judicial action, and these Protectors were instructed to keep the home government constantly advised as to any infringement on the privileges of the natives and as to whether the viceroys and courts did their duty in this respect.<sup>1</sup> The Sixth Book of the *Recopilación de las Leyes de las Indias* contains hundreds of decrees manifesting this constant and anxious care of the sovereigns for the welfare, temporal and spiritual, of the native race committed to their charge; and the spirit in which this compilation was made, in 1680, is revealed by the fact that in the section devoted to the good treatment of the Indians the first place is given to the earnest and touching codicil of Queen Isabella, which is ordered to be observed by all officials as of full legal and binding force.

The contrast between the kindness which reigned in Madrid and the oppression which prevailed throughout the colonies illustrates the uselessness of legislation when its execution is committed to defective or corrupt administration.

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<sup>1</sup> Ibid., Tit. vi, Lib. VI.

## THE TIN PLATE COMBINATION.

### I.

THE excessive competition of the many tin-plate plants established under the hot-house influences of the tariff of 1890, in company with rising prices of materials, has brought about the formation of a combination known as the American Tin Plate Company. Three things, tariff, low price of steel, and low wages, fortunately meeting at the same time, made possible the rapid growth of this industry. In 1890 there were two or three plants struggling under great difficulties, barely competing with foreign makers. The McKinley, Wilson, and Dingley bills restricted this competition to such an extent, and incited enterprise to such a degree, that 1898 saw forty-one plants engaged in the industry with every promise of prosperity.<sup>1</sup> The transformation, just spoken of, was almost marvelous. The tariff, checking foreign competition, made it possible for those engaged in the industry to construct their mills and at the same time secure the double advantage of cheap steel and low wages. The output increased rapidly from a few hundred thousand pounds to hundreds of millions of pounds,<sup>2</sup> while the great imports of early years fell rapidly to less than a third of what they had been in 1890. Meantime the English industry suffered greatly. The American market was the one great consumer of English tin. There had been some dissatisfaction with English methods and English manufacture, so that the American producers had no opposition to fight and overcome among the consumers of English tin in this country. In fact, the purchasers of the commodity seemed ready to welcome any movement likely to affect English prices.

The price during the period of English supply ranged above \$5.00 per box I.C. 14 x 20 plates. Although the tariff added some \$1.62 to the price of English tin plate per box of 108 lbs., nevertheless so great was the influence of the loss of the American market that the price f.o.b. at Liverpool fell to about \$2.40.<sup>3</sup> This in a way set a limit to the price of American tin plate, so that the quotation in this country has remained below five dollars. Since 1893 the price was pushed, under the

<sup>1</sup> YALE REVIEW, vii, 302, Nov. 1898. The Tin Plate Industry. <sup>2</sup> Ibid., p. 313.

<sup>3</sup> Eng. For. Office Report, No. 426, p. 9.





